REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and in light of the following remarks.

Claims 1-4 and 6-23 are currently pending in the application, with claims 24-35 being withdrawn. By this response, claims 1, 3, 10, 13, and 23 are amended to more fully define the invention. Support for the amendments is self-evident from the originally-filed disclosure, including the original claims, and therefore no new matter is added.

In the Final Office Action of September 19, 2007 ("Office Action"), claims 1-4, 6-16, and 19-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brinon, U.S. Patent No. 5,879,336, in view of Kulle, U.S. Patent No. 4,346,704; claims 17 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brinon in view of Kulle and further in view of Riuli, U.S. Pat. No. 4,713,060; and claim 23 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Brinon in view of Riuli and further in view of Kulle. After Applicant filed a Notice of Appeal, the Examiner issued an Advisory Action on April 2, 2008 ("Advisory Action"), maintaining his rejections under Kulle in view of Brinon. Applicant traverses the rejections for the reasons set forth below.

Amended claim 1 recites, *inter alia*, "an output connection piece having a body with an upper end and a lower end, the upper end including a portion extending radially outward from the body and configured to coextend with a flange of an injection syringe." Dependent claims 2-4 and 6-23 depend directly or indirectly from claim 1.

With respect to independent claim 1, the Office Action asserts that Brinon discloses the invention substantially as claimed except for at least one radial discharge aperture sealable by means of an elastic ring element, and proposes modifying Brinon with Kulle to provide that feature. Office Action, pp. 2-4. The Advisory Action further alleges that Kulle teaches a "unidirectional valve" and that Brinon does not teach away from combination with Kulle. Advisory Action, p. 2.

Because claim 1 has been amended to include new features, Applicant submits that these rejections are now moot. "All words in a claim must be considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03 (quoting In re Wilson, 424 F.2d 1382, 1385 (C.C.P.A. 1970). For the same reasons, the rejections of dependent claims 2-4 and 6-23, depending from claim 1, also are now moot.

To the extent that Brinon may be considered relevant to amended claim 1, Applicant offers the following remarks. Nothing in Brinon motivates modifying its device to include "a portion extending radially outward from the body and configured to coextend with a flange of an injection syringe," as recited in claim 1. As explained in the Request for Reconsideration filed March 7, 2008 ("Request for Reconsideration"), Brinon teaches a cylindrical case containing a piston that includes a cartridge. Request for Reconsideration, p. 8. The pushbutton 18 and returnable piston 3 design of Brinon make the use of commercially available syringes (such as those including a flange) infeasible, and thus modifying Brinon's device to have a portion "extending radially outward . . . and configured to coextend with a flange of an injection syringe" would be undesirable.

Additional Remarks Regarding Amended Claims 10 and 23

Applicant also notes that the Office Action rejects claims 10 and 23, which include "an annular plate." To the extent that the annular plate of amended claims 10 and 23 may be one embodiment of a radially outward extending portion, as recited in claim 1, Applicant provides the following additional remarks.

While the Office Action asserts that Brinon discloses "an annular plate" (Office Action, p. 3), nothing in the Advisory Action addresses Applicant's argument in the Request for Reconsideration dated March 7, 2008 ("Request for Reconsideration"), that Brinon fails to teach the annular plate as claimed. The cylindrical case of Brinon has passages formed on its side to accept the arms of a cover. Those passages do not constitute an "annular plate" that extends "radially outward from the body and [is] configured to coextend with a flange of an injection syringe." Similarly, neither Kulle nor Riuli, alone or in combination with each other or Brinon, teaches or suggests an "annular plate." Even if the passages 22 of Brinon could serve as an "annular plate," nothing in Brinon teaches or suggests using the device of Brinon with a syringe that has a flange; therefore, nothing in Brinon teaches or suggests shaping the annular plate as provided in claim 1.

Amended claim 23 also recites a pressure pocket, "wherein the pressure pocket and output connection piece together form a completely enclosed space configured to enclose the injection syringe," which has not been considered. Claim 23 is thus moot for this additional reason under M.P.E.P. § 2143.03.

Additional Remarks Regarding Amended Claim 13 and Original Claim 17

The Office Action rejects claim 13, which includes "a pressure pocket." The rejection of claim 13 is now moot for the same reasons as claim 1, as well as the additional reason that amended claim 13 recites a pressure pocket that "in combination with the pressure pocket form[s] a completely enclosed space configured to enclose the injection syringe," which has not been considered. M.P.E.P. § 2143.03.

Applicant notes that the Office Action rejects claim 17, which includes a "film-like plastic hood." Office Action, p. 6 (rejecting claims 17-18 under 35 U.S.C. § 103(a) as being unpatentable over Brinon in view of Kulle in further view of Riuli). To the extent that the film-like plastic hood of claim 17 may be one embodiment of a "pressure pocket configured to connect to the output connection piece, so that the output connection piece in combination with the pressure pocket form a completely enclosed space configured to enclose the injection syringe," as recited in claim 13, Applicant offers the following remarks.

Applicant submits that modifying Brinon with Riuli and Kulle to achieve a pressure pocket and output connection piece that form a "completely enclosed space configured to enclose the injection syringe" would render Brinon unsuitable for its intended purpose. See M.P.E.P. § 2143.01, subsection V. The purpose of the device of Brinon is to enable delivery of successive doses of a liquid while ensuring that the time period between two successive administrations cannot be less than a reference value (col. 1, ll. 4-7). Brinon teaches that "pushbutton 18 is pierced to admit air into the reservoir above the moving plug so that atmospheric pressure acts on the moving plug" (col. 3, ll. 21-23). Using the cover of Riuli to enclose completely the syringe would

substantially destroy the invention of Brinon, because Brinon's benefits specifically depend on allowing atmospheric pressure to act on the moving plug (col. 3, ll. 21-23). Riuli discloses a cover that "acts as a barrier for helping to block the transfer of fluid and particulate matter between the chamber and the environment" (abstract). If such a cover was used to enclose completely the syringe of Brinon, movement of the plug 17 would be hindered, making the device of Brinon unsatisfactory for its intended purpose. For that reason, there is no suggestion to make such a modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984); see also M.P.E.P. § 2143.01.

In view of the foregoing remarks, Applicant submits that this claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the Examiner's reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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